

65A-3-1. Trespassing on state lands -- Penalties.

(1) As used in this section:

(a) "Anchored" is as defined in Section 73-18-2.

(b) "Beached" is as defined in Section 73-18-2.

(c) "Vessel" is as defined in Section 73-18-2.

(2) A person is guilty of a class B misdemeanor and liable for the civil damages prescribed in Subsection (4) if, without written authorization from the division, the person:

(a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand, soil, vegetation, or improvement on state lands;

(b) grazes livestock on state lands;

(c) uses, occupies, or constructs improvements or structures on state lands;

(d) uses or occupies state lands for more than 30 days after the cancellation or expiration of written authorization;

(e) knowingly and willfully uses state lands for commercial gain;

(f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological, or paleontological resource on state lands;

(g) camps on the beds of navigable lakes or rivers except in posted and designated areas;

(h) camps on sovereign land for longer than 15 consecutive days at the same location or within one mile of the same location;

(i) camps on sovereign land for 15 consecutive days, and then returns to camp at the same location before 15 consecutive days have elapsed after the day on which the person left that location;

(j) leaves an anchored or beached vessel unattended for longer than 48 hours on sovereign land or navigable lakes or rivers;

(k) anchors or beaches a vessel for longer than 72 hours at the same location, on sovereign land or navigable lakes or rivers, and then fails to move the vessel at least two miles from that location; or

(l) parks or operates motor vehicles on the beds of navigable lakes and rivers except in those areas supervised by the Division of Parks and Recreation or other state or local enforcement entity and which are posted as open to vehicle use.

(3) A person is guilty of a class C misdemeanor and liable for civil damages described in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of the division, the person:

(a) parks or operates a motor vehicle in an area on the exposed lake bed that is not specifically posted by the division as open for usage;

(b) launches or retrieves a vessel in an area not specifically designated by the division as open for launching or retrieving a vessel;

(c) exceeds a speed limit of 15 miles per hour while operating a motor vehicle;

(d) except as necessary while launching or retrieving a vessel in an area where the person is permitted to launch or retrieve a vessel, parks or operates a motor vehicle within an area between the water's edge and a line posted by the division;

(e) except as allowed and posted by the division, travels in a motor vehicle parallel to the water's edge;

(f) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.;

or

(g) starts a campfire or uses fireworks.

(4) A person who commits any act described in Subsection (2) or (3) is liable for damages in the amount of:

(a) three times the value of the mineral or other resource removed, destroyed, or extracted;

(b) three times the value of damage committed; or

(c) three times the consideration which would have been charged by the division for use of the land during the period of trespass.

(5) In addition to the damages described in Subsection (4), a person found guilty of a misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section 76-3-204.

(6) Money collected under this section shall be deposited in the fund in which similar revenues from that land would be deposited.

Amended by Chapter 370, 2013 General Session

65A-3-2. Wildland fire prevention -- Prohibited acts.

(1) A person is guilty of a class B misdemeanor who:

(a) throws or places any lighted cigarette, cigar, firecracker, ashes, or other flaming or glowing substance that may cause a fire on a highway or a wildland fire;

(b) obstructs the state forester, an employee of the division, or an agent of the division, in the performance of controlling a fire;

(c) refuses, on proper request of the state forester, an employee of the division, or an agent of the division, to assist in the controlling of a fire, without good and sufficient reason; or

(d) fires any tracer or incendiary ammunition anywhere except within the confines of established military reservations.

(2) Fines assessed under this section are deposited in the General Fund.

Amended by Chapter 361, 2012 General Session

65A-3-3. Enforcement of laws -- County attorney or district attorney to prosecute.

(1) It is the duty of the division, county sheriffs, their deputies, peace officers, and other law enforcement officers within the law enforcement jurisdiction to enforce the provisions of this chapter and to investigate and gather evidence that may indicate a violation under this chapter.

(2) The county attorney or district attorney, as appropriate under Sections 17-18a-202 and 17-18a-203, shall:

(a) prosecute any criminal violations of this chapter; and

(b) initiate a civil action to recover suppression costs incurred by the county or state for suppression of fire on private land.

Amended by Chapter 237, 2013 General Session

65A-3-4. Liability for causing wildland fires.

(1) A person who negligently, recklessly, or intentionally causes or spreads a wildland fire shall be liable for the cost of suppressing that wildland fire, regardless of whether the fire begins on:

- (a) private land;
- (b) land owned by the state;
- (c) federal land; or
- (d) tribal land.

(2) The conduct described in Subsection (1) includes any negligent, reckless, or intentional conduct, and is not limited to conduct described in Section 65A-3-2.

(3) A person who incurs costs to suppress a wildland fire may bring an action under this section to recover those costs.

(4) A person who suffers damage from a wildland fire may pursue all other legal remedies in addition to seeking damages under Subsection (3).

Repealed and Re-enacted by Chapter 361, 2012 General Session